

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DROPLETS, INC.

v.

OVERSTOCK.COM, INC., et al

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Case No. 2:11-CV-401-JRG-RSP

ORDER

Before the Court are Defendants’ Motion for Partial Summary Judgment of Failure to Mark (**Dkt. No. 266**) (“Motion for Partial Summary Judgment”), Defendants’ Opposed Motion to Strike Plaintiff’s Supplemental Notice and Response to Plaintiff’s Supplement Notice (**Dkt. No. 296**) (“Motion to Strike”), and Defendants’ Opposed Motion for Leave to File Supplemental Notice of Authority in Support of Opposition to Plaintiff’s Motion for Enforcement of the Court’s Order Granting Droplets’ Motion to Compel Alternative Request for Sanction (“Motion for Leave”) (**Dkt. No. 300**).

Regarding Defendants’ Motion for Partial Summary Judgment (**Dkt. No. 266**), the Court finds the motion to be **MOOT** in view of Plaintiff’s representation to the Court that it has elected to withdraw its claim for pre-suit damages.¹

Regarding Defendants’ Motion to Strike and Defendants’ Motion for Leave, after finding good cause for both Plaintiff and Defendants to supplement their respective filings, the Court **DENIES** Defendants’ Motion to Strike (**Dkt. No. 296**) and **GRANTS** Defendants Motion

¹ Letter from Josh Budwin to The Honorable Rodney Gilstrap and The Honorable Roy Payne (January 5, 2015).

for Leave (**Dkt. No. 300**).

SIGNED this 12th day of January, 2015.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE